Annual Report of the Agent of the Government of India in Burma

For the year ending 31st December 1940

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ANNUAL REPORT OF THE AGENT OF THE GOVERNMENT OF INDIA IN BURMA FOR THE YEAR ENDING 31ST DECEMBER 1940.

The personnel of the Agency remained unchanged, but the office establishment has been placed on a permanent basis, and the office has been moved to the National Bank of India Building in Phayre Street. This fine modern building is situated in the heart of the business centre of the city, and within a few minutes walk of the principal jetties. The new accommodation has proved very satisfactory to the Agent, and to Indians having business with him.

2. *Hindu-Moslem Riots.*—It was with regret that a reference had to be made to Hindu-Moslem rioting in the last Annual Report. Unfortunately an outstanding feature of the first six months of 1940 was ill-feeling and rioting among Indians of the Hindu and Moslem communities in Rangoon city. The first riot broke out on the afternoon of the 27th January, when a bottle was thrown at the Silver Chariot Procession at the corner of Mogul Street, the principal business street in the Indian quarter of the city. This incident itself was trivial and haphazard in nature, and was dealt with instantly by the police, but within a few minutes incidents and assaults were occurring throughout the centre of the town. Precautions taken by the police prevented rioting and looting by large bodies, but small affrays and assaults continued until February 2nd, in the course of which fifteen Indians were killed, and more than one hundred and fifty injured. A state of acute tension lasted for nearly a fortnight. Again, on April 20th about 7-45 p.m., rioting broke out once more. The first overt act was the throwing of two bottles at the Soortee mosque in Mogul street. As on the former occasion, almost simultaneously, fighting developed elsewhere, and the situation was such that Government deemed it necessary to forbid the procession fixed for the following day in celebration of the Prophet's Birthday, for which great preparations had been made by Moslems. Once more, the police managed to prevent clashes between large mobs, but assaults, stabbings and affrays continued until the end of the first week of May, and acute tension and ill-feeling for a still longer period. In the course of this second outbreak, twenty-six Indians were killed, and one hundred and seventy injured. Subsequently, feeling between the two communities showed a gradual improvement, although it cannot even yet be said that full cordiality and mutual trust have been established. The absence of further outbreaks, and such improvement as has taken place, is in great part due to the strong action taken by the Government of Burma, who prosecuted a large number of rioters, curtailed the opportunities for arousing communal passions, and deported a number of persons, including one hundred and sixty-two Indians, whose presence in Burma was known to be a danger to the public peace. The deportation orders were passed after scrutiny of the individual cases by two judges, and have been loyally accepted, together with orders banning all processions and demonstrations in Rangoon likely to have communal repercussions, by the Indian public in Burma. The

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fact may, perhaps, be regarded not only as an indication that Indians in Burma have begun to realise the danger to which constantly recurring communal disturbances were exposing them, but also as a tribute to the work of the Rangoon City Police and of the Tribunal. The methods adopted by the rioters were such as to render peculiarly difficult the task of protecting life and property, and of bringing the real offenders to justice. The strain on the Rangoon City Police was severe and prolonged, but the Commissioner and all ranks stuck to their task with admirable patience and pertinacity, and Indians have very good reason to be grateful to them. Although the measures which have had to be adopted are distasteful, it may be hoped that the respite which has been secured will be found to have provided an opportunity for better feelings to make themselves felt, and for a genuine movement towards a permanent improvement in the relations between the two chief Indian communities.

Attempts to embroil Burmans with Indians in connection with the communal riots were happily unsuccessful, and the incidents, and to a large extent the ill-feeling, were confined to Rangoon City itself. Nevertheless, the riots did untold harm to the cause of Indians in Burma. Irritation was expressed that the peace of Burma should be disturbed by "imported religious quarrels", and deportations and control of immigration were advocated.

3. *Relations between Indians and Burmans.*—Overt acts against Indians, especially in connection with the picketing campaign, progressively decreased. There was at one time considerable apprehension of trouble arising between landlords and their tenants, particularly Indian landlords, as a result of the working of the Tenancy Act. Happily, nothing serious occurred, and while a great deal of credit for this must be given to District Officers, the efforts which they made were doubtless assisted by high paddy prices, and by the good sense and forbearance of both landlords and tenants. Propaganda against Indians decreased in volume, except when stimulated spasmodically by such events as the Hindu-Muslim riots, but from time to time evidence was forthcoming that Burman opinion is still anxious about the presence of large numbers of Indians in Burma, views with misgiving the hold which they have gained on business and finance, and considers some control of immigration a national necessity. The Baxter Commission to enquire into the facts of Indian immigration was, unfortunately, unable to publish its report during the year, but it is to be hoped that, when it appears, many misconceptions will be removed. For the present, the feelings which have been referred to, though dormant, remain constantly in the political background.

The Indian community continued to show considerable anxiety regarding legislative measures affecting their interests.

4. *The Press.*—The Burmese Press reflected much of what has been stated in the preceding paragraph. On the whole, the tone on Indian matters has become more moderate, and attention has been directed elsewhere, but the communal riots gave an unfortunate occasion for unfavourable and disparaging comments. The Burmese Press was practically unanimous in advocating control of immigration, generally in the sense that there must be

an absolute decrease in the number of Indians allowed to come to Burma, and also the termination of what is described as "the policy of free trade" between India and Burma. In some quarters, the Indian Press was thought to have been largely responsible for the continuance of communal ill-feeling which resulted in the January riots. After those riots, there can be no doubt that the Indian Press showed a very great improvement in their treatment of communal affairs, and the second outbreak cannot be attributed to the faults of newspapers. Political events in India with their communal repercussions have, naturally, been closely followed and commented upon, but in discussing them attempts have been made to avoid provocation. While greatly concerned at the failure to reach a satisfactory political settlement in India, the Indian Press in Burma has probably reflected correctly the feeling of the majority of Indians in this country in expressing sympathy with the United Kingdom in its hour of trial, and a sincere desire to see the principles of Naziism defeated.

5. *Immigration into Burma from India.*—The Baxter Commission on immigration completed its work during the year, but its report was not made public. The volume of sea passenger traffic from India to Burma exhibited no remarkable features. The seasonal trends were normal, but the maxima of incoming and outgoing flows were, on the whole, lower than the average of the past three years. Only immigration into Burma from the Coromandel Ports showed any departure from the general tendency to decrease in volume. The reduction in shipping facilities may be partly responsible for the lower figures at peak periods, but no complaints reached the Agent about the actual shortage of accommodation, although, it is understood, there was some dissatisfaction with the type of ships available, especially among passengers wishing to travel by superior classes. As an index or the trend of immigration, sea passenger figures at the Port of Rangoon for the last five years are given in appendix III.

6. *Legislation affecting Indian interests.*—Mention was made in last year's Report under this heading of the Tenancy Act, the Land Alienation Act, and the Land Purchase Bill The Land Alienation Act has been brought into force, but has occasioned, so far as the Agent is aware, no complaint.

7. *The Tenancy Act.*—The working of the Tenancy Act and its repercussions constituted one of the features of the period under review. It is, perhaps, necessary to repeat here that the Act purported to aim at giving tenants improved security of tenure while adjusting rents to an equitable figure. It seems to have been intended by the original framers to be applied experimentally to limited areas where there was reason to think that rack-renting existed. The clauses restricting its application were, however, removed and the Act was introduced in such large areas, and at such a time of year that it was impossible for the officers of Government to comply with the law in making the enquiries prescribed before fixing fair rents, and at the same time to pass the requisite number of orders before the harvest season. As a result, methods were adopted which had the effect of a wholesale reduction of rents, in some cases to the level of the land revenue demand, and the further effect of depressing the value of agricultural land. The landlords, both Burman and Indian,

were greatly perturbed and endeavoured by representations to the officers of Government and to the Ministry to obtain a respite during which the executive instructions, which had been issued to Rent Settlement Officers, could be reconsidered in the interests both of equity, as well as of compliance with the mandatory provisions of the Act. Failing in this, they applied to the Rangoon High Court for writs of *certiorari*. In the first instance, six suits were filed as test cases, and subsequently practically every decision fixing a fair rent was challenged in the same way. A full Bench comprising the Chief Justice, the Honourable Mr. Justice Mya Bu, Kt., and the Honourable Mr. Justice Dunkley, gave judgment in favour of the landlords. In the course of the judgment, Their Lordships deemed fit to remark, "the proceedings of the respondents, as appear from their records, conformed in no respect whatever to the provisions of the Act. They held no enquiry in respect of each tenancy, they did not examine each landlord or each tenant, they paid no attention in respect of each tenancy separately to the considerations to which they were bound to have regard by the provisions of section 15 of the Tenancy Act ". Their Lordships held further " that their decisions constitute a grave injustice to the petitioners is manifest from the facts that the rents determined by them are in every case very much lower than the contractual rents, and in some cases are barely sufficient to cover the land revenue which the petitioners have to pay on their lands ".

The judgement was delivered in the month of January, but did not have the effect of setting aside the large number of rent fixation orders which had been passed, nor did the Government of Burma take immediate steps to set those orders aside. The landlords consequently filed applications against each and every order to the number of nearly 50,000. In the beginning of February, the Government of Burma issued a Press Communiqué admitting that the effect of the High Court decision was to vitiate most, if not all, of the orders fixing fair rents. The communiqué did not, however, specifically declare such orders to be void, it recommended landlords and tenants to come to amicable settlements in as many cases as possible, and reminded both parties of the protection which section 19 of the Act, as it then existed, purported to give to any tenant who made a resonable offer, or a reasonable attempt, to pay the fair rent. On the 5th of March, 1940, a short notice resolution was moved in the House of Representatives, as a result of which it was decided to appoint a Committee consisting of the members of both Houses of the Legislature, and of experienced Settlement and Revenue Officers to enquire into the Working of the Tenancy Act, to report on its working, and to recommend what amendments, rules, or directions, were necessary to achieve the original ends and objects. Owing to the financial loss which they had already suffered, and to the danger of being unable to enter into contracts for the new cultivating season, the landlords felt that they could not rest content with awaiting the possible results of the deliberations of this Committee, and they took the exceptional step of sending an Advocate to England to present a Petition to His Majesty on the subject. The Committee, however, was not slow to recognise what the landlords had been pressing for sometime, namely, the necessity, before anything else was done, of getting rid of the great mass of vitiated orders which had been passed by Rent Settlement Officers.

They recommended the passing of an ordinance to achieve that purpose and embodying provisions intended to mitigate the very real danger of agrarian disturbances, and render possible the commencement of the peaceful cultivation of the next rice crop.

8. The Government of Burma accepted the position, and an ordinance was promulgated on the 9th of April setting aside all the orders hitherto passed under the Act. It provided also that agreements which had been entered into between landlords and tenants for the tenancy years 1939-40 and 1940-41 were to remain binding, declared the rents fixed in such agreements to be fair rents, and prohibited the disturbance of such agreements. The tenants were given the right to reoccupy the tenancy if they undertook in writing to pay for the year 1940-41 such fair rents as might subsequently be determined, and if the rent for 1939-40 was less, to pay the difference. Thus the immediate difficulties of the situation were largely resolved, and the Special Committee proceeded to go into the whole matter and revise the legislation. Their Report was published by the Government together with their draft Bill early in September, and the Report and Draft Bill were placed before the House of Representatives. The Government adopted the Bill as drafted by the Committee, and introduced it as their own Bill in the Lower House. A motion to refer the Bill to a Select Committee was agreed to, and the Select Committee was still deliberating at the close of the year. The Bill which had been framed by the Special Committee and was under consideration by the Select Committee was once more a Bill of Province wide application, and the Special Committee, while endorsing the principle of separate enquiry in each case and the fixing of fair rents on the basis of a number of carefully prescribed criteria, had at the same time thought it necessary to include a special and more summary procedure to deal with the mass of cases which might arise owing to the wide-spread application of the Act, or through special circumstances. The Committee were by no means unanimous in their views, and out of 12 signatories to the Report no less than seven submitted notes of dissent on various points.

9. In order to deal with outstanding rent settlement cases, or fresh cases arising in the intervening period, the Governor promulgated a second ordinance in terms of which fair rents were to be settled on the basis of arbitrarily fixed percentages of the normal gross outturn.

10. *The Land Purchase Bill.*—On the subject of the Land Purchase Bill, the Government of India took full advantage of the opportunity given them by the Government of Burma to comment on its provisions, and the Government of India's views were considered by the Select Committee which had been appointed to deal with the Bill. The Select Committee incorporated amendments to the Bill in their Report, which went some way to meet the views expressed by the Government of India. The Report of the Select Committee came up for consideration during the Budget Session, and a motion for consideration was carried by 65 votes to 55, five Indian members voting for the motion and six against it. In the autumn session, the Bill still encountered considerable opposition, but was eventually passed by 65 votes to 40, the Indians being the only party to vote solidly against

it. Burman sentiment, in fact, is strongly in favour of the measure. A great deal of what had been suggested by Indian critics, and also by the Government of India, was incorporated in amendments which now form part of the Bill. There were still points, however, on which Indian opinion remained unsatisfied. There was no provision for additional compensation in respect of the compulsory nature of the acquisition, and the Government of Burma had shown itself unwilling to provide any such compensation. Secondly there was no guarantee that the tenants in occupation of the land at the time when the land was purchased would receive preferential consideration, or indeed any consideration at all, when the time came to distribute the land to small cultivating owners. The Government of Burma in their tenancy legislation have, as will be seen, laid great stress on the necessity for enhancing the security of tenure of the tenant. The Land Purchase Bill, if passed, would render a tenant liable to have his land purchased over his head at any moment. Once the purchase is complete, the land passes into the possession of Government in the person of the Land Commissioner. There was nothing in the Act to say what was the position of the tenant when that happened, or to proclaim that he had a right to an allotment when the land came to be distributed. It is, perhaps, permissible to recall the remarks of the Land and Agriculture Committee whose proposals were generally accepted to be the basis of the Land Purchase Bill. In paragraph 152 of their Report they said, " our object is the single one of changing for the better the status of the small agriculturist ", and in the next paragraph, " although some readjustment of holdings may be found necessary to give effect to the principle of economic holding, we assume that there will, in fact, be little disturbance of the cultivators already on the land. Provided they become members of co-operative societies, are regular in the payment of their dues, and conduct themselves as good citizens, there is no reason why they should be disturbed ". At the time of the passing of the Bill by the Lower House, the method of distributing land once purchased had not been defined in detail by Government. The intention seemed to be that the land Commissioner would select persons who might, or might not, be local tenants to be the recipients of the land, and would then proceed to form groups of the persons so selected into co-operative societies in which the land would nominally be vested. Indians were apprehensive, because they felt that the tendency would be to purchase land owned and cultivated by Indians so as to redistribute it to Burmans, and because they felt that, in the co-operative societies proposed, Indians might not be welcome, and mixed societies of Indians and Burmans might not prove successful. This, among other matters in connection with the Bill, formed the subject of correspondence between the Government of India and the Government of Burma. A definite proposal designed to guarantee the position of the tenant in occupation was debated on the floor of the House, but Government declined to include any specific safeguard for the tenant in the body of the Bill, although it was indicated that it was their intention to accord preferential treatment to the tenant in occupation if eligible, and to provide for this in rules made under the Act. At the close of the year, the Bill was before a Select Committee of the Senate.

11. *The City of Rangoon Municipal* (*Amendment*) *Bill.*—The City of Rangoon Municipal (Amendment) Bill which is designed to secure that at

least half the members of Rangoon Corporation shall be elected Burmans, was passed by the Lower House in spite of Indian and European opposition, and was under consideration by a Select Committee of the Senate at the close of the year. This Bill also was the subject of representations by the Government of India.

12. *The Registration of Foricgners Act.*—In January, 1940, an ordinance was made by the Governor of Burma, in the exercise of the powers conferred by section 41 of the Government of Burma Act, called the Registration of Foreigners Ordinance, 1940. The ordinance was intended to perform to the purposes of the Foreigners' Bill which had been introduced in the preceding Session, but ruled *ultra vires* of the legislature by the Speaker. In the ordinance of 1940, the definition of "foreigner" in the Foreigners Act was adopted, and the status of British Indian subjects was satisfactorily secured. This ordinance was in due course replaced by the Registration of Foreigners Act, 1940, which came into force at the end of March. No complaints have been received by the Agent regarding either the working of the Ordinance or of the Act.

13. *Miscellaneous.*—The Burma Shops Bill, (to regulate the hours of work of Shop Assistants, and commercial employees), and a private member's Bill to regulate Insurance Business, remained under discussion by Select Committees of the House of Representatives throughout the year.

Government at the end of June published a draft Bill to regulate the activities of moneylenders, and, after introduction, the Bill was circulated for opinion. The Bill follows the lead of recent legislation on the subject in India.

No case under the Buddhist Women's Special Marriage and Succession Act came to notice during the year, and there were no complaints by Indians regarding the working of the Act.

14. *Enquiries into the condition of industrial labour.*—The Baxter Commission on Immigration devoted considerable attention to a factual examination of the recruitment and conditions of industrial labour, especially in the city of Rangoon. In addition to this, two Committees appointed by Government have been exploring in greater detail the same field. The composition and terms of reference of these two Committees are set forth in appendices I and II to this report. Neither Committee had, it is understood, submitted its report by the close of the year. An interim report submitted by the Committee enquiring into conditions in Rangoon was, however, published, dealing with the limited field of dock labour in Rangoon only. The report put forward proposals for a system of registration, designed to encourage decasualisation, and improve the position of the labourer *vis-vis* the maistry or labour contractor, and his foremen.

15. *Civil Defence measures.*—A fresh subject engaging the attention of the Agent towards the close of the year was the protection of the Indian community in the city of Rangoon in the event of a bombardment of the city and their organisation to co-operate in any measures prescribed by the civil defence authorities, such as, for instance, a reduction of the non-essential

population by evacuation. It will be realised that the problem in Rangoon presents interesting and distinctive features, not only because of the great density of population in the city itself, but also because the Indian population does not, as in most cases elsewhere, belong to the indigenous races inhabiting the surrounding districts.

16. *Riot Enquiry Committee Report.*—Arising out of the Report of the Riot Enquiry Committee, the progress of the Baxter Commission on Immigration has been referred to elsewhere. A manual has been prepared and issued by the Government of Burma for the instruction of officers in their powers and duties in the matter of the prevention and control of riots, and certain steps have been taken to strengthen the police forces, while others remain under consideration. The cadre of the Rangoon City Police force has been expanded, its armament has been improved, and a volunteer Police force, among whom are many Indians, has been enrolled. Proposals for the strengthening of the Civil Police in the districts remain for the most part under consideration, but in many districts a Special Police Reserve Force has been recruited for the purpose of assisting the regular Police Force in times of emergency. They receive a fortnight's annual training and pay when called up for duty. They are almost exclusively Burmans and Karens and number several thousand.

17. *Trade.*—Except for difficulties owing to temporary curtailments in the volume of shipping available, trade was on the whole remarkably well-maintained. The price of rice, in particular, on which so much depends in Burma, remained at a high level. A feature of the rice market during the year was the purchase of considerable quantities by Japan, which offset the loss of the normal Central European markets. The closing week of the year saw an announcement by the Government of Burma of their intention to impose a duty on rice exports to India with effect from the new year.

On 1st April 1940 the Government of Burma gave notice to the Government of India under clause VII of the India-Burma Trade Regulation Order, 1937, of their intention to terminate the operation of the Order. At the close of the year, the outlines of the Government of Burma's proposals for a new trade agreement were made known to the Government of India, and the matter remained under consideration preliminary to the institution of negotiations.

18. The Agent desires to acknowledge the courteous consideration which he has continued to receive from the Government of Burma. He desires also to record his gratitude to the many Indian gentlemen who have assisted and encouraged him with advice and friendship. Mr. Narayana Rao, the Agent's stenographer, has again done excellent work throughout the year.

APPENDIX I.

Personnel and terms of reference of the Committee appointed by the Government of Burma to examine into the question of Industrial Labour in and around Rangoon.

Mr. W. BARRETTO, O.B.E., Retired Deputy Commissioner.—*Chairman.*

Senator U Ba Thane.
U HLA BU, Member of the Railway Board.
Mr. GANGA SINGH, M.H.R.
Mr. R. G. AIYANGAR, M.H.R.
} *Members.*

U BA MAUNG, Labour Commissioner.—*Secretary.*

The Committee shall enquire into and report with recommendations on the following matters :—

1. *Methods of Recruitment.*—Agreements between maistries and workmen and how far the system of direct relation of employers with their workmen can be extended.

2. *Rates of Payment.*—Whether these vary according to volume of work available. Possibility of establishing minimum wage boards.

3. Short recruitment of gangs by maistries.

4. Method of posting of labour.

5. Hours of work and how far employment is regular.

6. *Payment of wages.*—To what extent payment is subject to delays and deductions.

7. To what extent the principles embodied in the Factory and Payment of Wages Acts can be applied to those classes of labour to which these Acts do not apply at present.

8. *Indebtedness.*—In particular indebtedness to maistries.

9. Responsibility for housing and connected amenities, medical attendance and welfare work.

10. The extent to which it is desirable and practicable to substitute monthly for daily rates of payment and to extend such benefits as holidays, incremental rates of pay, provident funds, gratuities, etc.

APPENDIX II.

Personnel and terms of reference of the Committee appointed by the Government of Burma to examine into the question of labour in the Oil-fields.

Dr. U SET, C.I.E., LL.D.—*Chairman.*

U BA THI, M.H.R.
U MYA, M.H.R.
[illegible]
Mr. T. S. ATKINSON, I.C.S., Warden, Burma Oil-fields, Yenangyaung.
} *Members.*

U HLA MAUNG, I.C.S., Assistant Warden, Burma Oil-fields, Chauk. —*Secretary.*

The Committee shall enquire into and report with recommendations on the following matters :—

1. The sources of different classes of oil-field labour, including contract labour and labour employed in the hand-dug well industry, and the circumstances relating to the engagement and discharge of labour.

2. Hours of work and their relation to factory and other industrial legislation, and the provision of holidays.

3. Scales of wages.

4. Medical facilities provided in cases of accident and sickness and the pay given during periods of loss of work from accident or sickness. The operation of the Workmen's Compensation Act.

5. The nature of educational facilities and technical training provided for the children of workmen and the opportunities for advancement of workmen who show special aptitude.

6. The provision by the Companies of housing and amenities connected with it, *e.g.*, water supply, lighting, sanitation and scavenging, and the housing conditions of workers in Yenangyaung and Chauk Towns and the oil-fields villages.

7. The nature and extent of social and welfare activities provided for labourers by the Companies.

8. Any other matter that will bring about harmonious working between employers and employees.

APPENDIX III.

Sea passengers at Rangoon.

Period—September to following August.

(Nearest 1000).

Year	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.
1935-36 ..	15	20	38	25	18	19	16	15	17	16	10	10
	11	11	13	12	13	17	21	24	26	16	10	10
	4	9	25	13	5	2	—5	—9	—9	0	0	0
1936-37 ..	14	17	27	24	16	17	20	13	14	16	11	11
	12	13	11	11	14	17	22	26	28	18	11	10
	2	4	16	13	2	0	—2	—13	—14	—2	0	1
1937-38 ..	14	18	26	24	15	17	14	12	17	15	10	7
	11	13	12	12	13	14	23	30	26	16	11	20
	3	5	14	12	2	3	—9	—18	—9	—1	—1	—13
1938-39 ..	6	10	23	23	13	17	14	11	20	17	14	16
	25	18	12	13	13	16	22	27	24	15	10	9
	—19	—8	11	10	0	1	—8	—16	—4	2	4	7
1939-40 ..	14	14	24	25	15	15	13	12	13	13	7	3
	9	8	9	11	10	13	21	22	21	15	9	9
	5	6	15	14	5	2	—8	—10	—8	—2	—2	—1
1940-41 ..	10	13	20	18	14							
	8	9	10	10	9							
	2	4	10	8	5							

The figures show—

(1) Incoming sea passengers,

(2) Outgoing sea passengers, and

(3) Difference or apparent surplus.

The period September to August is the most suitable having regard to the seasonal cycle of movements of immigrant labour and is the period used by the Government of Burma for their annual statistics on the subject. The figures which are to the nearest thousand include a large number of persons making the trip for the 2nd, 3rd or 4th time and are not new immigrants only.

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